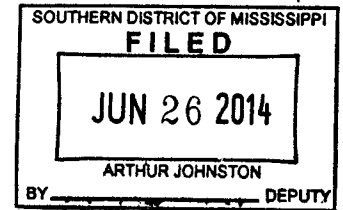


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



LUTHER WILLIAMS, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 3:14-cv-00501 TSL-JMR

AT&T TELECOMMUNICATIONS d/b/a
AT&T; and JACKSON HOUSING AUTHORITY

DEFENDANTS

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, NORTHERN DIVISION

Honorable Barbara Dunn
P.O. Box 327
Jackson, MS 39205

HINDS COUNTY CIRCUIT CLERK

Luther Williams, Jr.
P.O. Box 9995
Jackson, MS 39286
Pro Se

PLAINTIFF

BellSouth Telecommunications, LLC d/b/a AT&T Mississippi ("AT&T") (improperly named in the Complaint as "AT&T Telecommunications, LLC d/b/a AT&T Mississippi"), subject to all its defenses, including its Rule 12 defenses, hereby files this Notice of Removal ("Notice of Removal"). As grounds for this Notice of Removal, and for federal subject matter jurisdiction, AT&T states as follows:

1. This Action was commenced on May 23, 2014 by the filing of a Complaint in Cause No. 1:14cv01659 in the County Court of Hinds County, Mississippi.
2. AT&T received a copy of the Summons and Complaint on May 28, 2014.
3. Accordingly, this removal is timely filed under 28 U.S.C. § 1446(b).
4. Pursuant to 28 U.S.C. § 1446(d), all adverse parties are being provided with written notice of removal, and a copy of this notice of removal is being filed with the Clerk of the County Court of Hinds County, Mississippi.
5. Attached to the Notice of Removal as collective Exhibit "A" is a copy of all pleadings, process and orders that have been putatively served on AT&T.

DIVERSITY JURISDICTION

6. As set forth in his Complaint, Plaintiff seeks compensatory damages in the amount of \$250,000 and punitive damage in the amount of \$250,000. Thus, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.
7. On information and belief, Plaintiff is a citizen of the State of Mississippi.
8. BellSouth Telecommunications, LLC is a Georgia limited liability company. The sole member of BellSouth Telecommunications, LLC is BellSouth Corporation. BellSouth Corporation is a Georgia corporation with its principal place of business located in Atlanta,

Georgia. Therefore, for diversity jurisdiction purposes, AT&T is deemed to be a citizen of the State of Georgia.

9. Plaintiff does not allege the citizenship of the "Jackson Housing Authority." On information and belief, the entity referenced in the Complaint as the Jackson Housing Authority is a citizen of the State of Mississippi.

10. Plaintiff's claims against the Jackson Housing Authority do not arise from the same transaction and occurrence or series of transactions and occurrences as Plaintiff's claims against AT&T. The misjoinder of claims arises to fraudulent misjoinder because it is grossly improper and in plain violation of Rules 18, 19 & 20 of the Federal and Mississippi Rules of Civil Procedure. Because Plaintiff's claims against the Jackson Housing Authority are fraudulently misjoined, the citizenship of the Jackson Housing Authority may be disregarded for purposes of determining diversity jurisdiction over Plaintiff's claims against AT&T. *See Walker v. Scales*, 2014 U.S. Dist. LEXIS 21143 (N.D. Miss. Feb. 20, 2014); *Cooper v. AIG Claim Servs., Inc.*, 2009 WL 279101 at *2 (N.D. Miss. Feb. 5, 2009); *Tri-Miss Servs., Inc. v. Fairley*, 2012 WL 5611058 at *3 (S.D. Miss. Nov. 15, 2012).

11. Additionally and/or alternatively, this Court can sever this action and/or re-align parties to correct Plaintiff's improper and fraudulent misjoinder, exercising and/or maintaining jurisdiction over those severed or realigned action(s) according to their corrected status.

12. For the foregoing reasons, this Court has jurisdiction of the subject matter pursuant to 28 U.S.C. § 1332, as amended.

SUPPLEMENTAL JURISDICTION

13. Additionally and alternatively, to the extent applicable, this Court has supplemental jurisdiction over some or all of Plaintiff's claims pursuant to 28 U.S.C. § 1367.

14. Nothing in this Notice of Removal shall be interpreted as a waiver, estoppel, preclusion or relinquishment of AT&T's ability or right to assert any claim, defense or affirmative matter, including, but not limited to: (1) lack of jurisdiction over the person; (2) improper venue; (3) insufficiency of process; (4) insufficiency and/or failure of service of process; (5) improper joinder of claims and/or parties; (6) failure to state a claim; (7) the mandatory arbitrability of some or all of the putative claims; (8) failure to join an indispensable party(ies); (9) waiver, (10) contractual, statutory, common law or other right to defense, indemnity, contribution or apportionment; or (11) any other pertinent claim or defense available under Miss. or Fed. R. Civ. P. 12, any state or federal statute or otherwise.

WHEREFORE, AT&T files this Notice of Removal and removes this civil action from the County Court of Hinds County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Northern Division. Plaintiff is hereby notified to proceed no further in state court.

This the 26th day of June, 2014.

Respectfully submitted,

BELL SOUTH TELECOMMUNICATIONS, LLC d/b/a
AT&T MISSISSIPPI



PAUL M. ELLIS (MB # 102259)
ITS ATTORNEY

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CERTIFICATE OF SERVICE

I, Paul M. Ellis, one of the attorneys for BellSouth Telecommunications, LLC d/b/a AT&T Mississippi do hereby certify that I have this day caused to be served by First Class United States Mail, postage prepaid, a true and correct copy of the above and foregoing document upon the following:

Luther Williams, Jr.
P.O. Box 9995
Jackson, MS 39286
Pro Se

PLAINTIFF

Honorable Barbara Dunn
P.O. Box 327
Jackson, MS 39205

HINDS COUNTY CIRCUIT CLERK

THIS the 26th day of June, 2014.



PAUL M. ELLIS

ButlerSnow 21732520v1